

M.S.Sunish vs the Commissioner, Malabar Devaswom Board

M.S.Sunish vs the Commissioner, Malabar Devaswom Board

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr. Justice Anil K.Narendran, Honourable Mr. Justice P.G. Ajithkumar

Appeal No. : WP(C)/17469/2015

Appellant : M.S.Sunish

Respondent : The Commissioner, Malabar Devaswom Board

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 WP(C) NO.17469 OF 2015 PETITIONER: M.S.SUNISH AGED 28 YEARS S/O.SANKARANARAYANAN NAIR, R/A.MOOLAYIL HOUSE, SREEKRISHNAPURAM, PALAKKAD 679513 BY ADVS. SRI.T.C.SURESH MENON SRI.P.S.APPU RESPONDENTS:

1 THE COMMISSIONER, MALABAR DEVASWOM BOARD KOZHIKODE 673001 2 THE ASSISTANT COMMISSIONER MALABAR,

DEVASWOM BOARD, PALAKKAD 678001 3 THE PRESIDENT
MALABAR DEVASWOM BOARD, PALAKKAD 678001 4 THE
EXECUTIVE OFFICER SREE VAYILYAM KUNNU BHAGAVATHY
DEVASWOM , KADAMBAZHIPURAM, PALAKKAD 678633 5 THE
TRUSTEE BARD CHAIRMAN SREE VAYILYAM KUNNU, BHAVATHY
DEVASWOM, KADAMBAZHIPURAM, PALAKKAD 678633 6 RAMESH
S/O.RAMAGUPTHAN, R/A.NAYATH HOUSE, KADAMBAZHIPURAM P
O, PALAKKAD 678633 7 TALUK SURVEYOR TALUK OFFICE,
OTTAPPALAM. R7 IS SUO MOTU IMPEADED AS PER ORDER
DATED 09.12.2015. BY ADVS. SRI.R.LAKSHMI NARAYAN, SC,
MALABAR DEVASWOM BOARD SRI.ARUN MATHEW VADAKKAN
SRI.ABRAHAM VAKKANAL (SR.) SENIOR GOVERNMENT PLEADER
SRI.ABRAHAM VAKKANAL SR.

SRI.ARUN MATHEW VADAKKAN SRI.DIJO SEBASTIAN SRI.PAUL
ABRAHAM VAKKANAL SRI.SANTHEEP ANKARATH
SRI.PARTHASARATHY.B, SC, MALABAR DEVASWOM BOARD
SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD SRI.MAHESH
V.RAMAKRISHNAN, SC, MALABAR DEVASWOM BOARD SRI
S.RAJMOHAN - SR GOVERNMENT PLEADER THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The petitioner, who is stated to be the President of Kamba Parambu Mojana Committee, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding respondents 1 to 5 to ensure that the assets of Mele Thrikovil Sreeramaswamy Temple and Sree Vayilyam Kunnu Bhagavathy Temple, which are controlled institutions under the Malabar Devaswom Board, are protected by constructing a compound wall and removing the encroachment made by the 6th respondent. The further reliefs sought for is a

writ of mandamus commanding respondents 1 to 5 to ensure that the temple ground is not used to park the vehicles brought for repair at the nearby workshop and also to ensure that the temple premises are not used for the sale of banned substance and for conduct of liquor parties; a writ of mandamus commanding the 1st respondent to consider Ext.P2 representation dated 29.05.2015 within a time frame; and a writ of mandamus commanding the 3rd respondent to consider Ext.P3 representation dated 12.12.2014 within a time frame after affording an opportunity of being heard the petitioner or the complainant therein.

2. The grievance of the petitioner, which is highlighted in

this writ petition, is that the properties of Mele Thrikovil Sreeramaswamy Temple and Sree Vayilyam Kunnu Bhagavathy Temple have been encroached upon for construction of a Kalyanamandapam by the 6th respondent and no permission from any authorities obtained prior to the construction. A road has been cut open through the temple properties, which is used by the public. A nearby workshop uses the temple ground to park the vehicles brought for repair and all the repair works are being carried out at that place. To make things worse, the temple ground is used for sale of banned substances and at late night, liquor party is a common sight. Pointing out the aforesaid fact, the petitioner submitted Ext.P2 representation dated 29.05.2015 before the 1st respondent Commissioner.

3. On 01.07.2015, when this writ petition came up for admission, the learned Standing Counsel took notice for respondents 1 to 3. Urgent notice by speed post was ordered to respondents 4 to 6.

4. On 21.10.2015, when this writ petition came up for consideration, this Court passed the following order;

The learned Standing Counsel for Malabar Devaswom Board had shown us the copy of the communication dated 26.08.2015 from its Commissioner to the Executive Officer, Sree Vayilyam Kunnu Bhagavathy Devaswom. We are assured that the directions of the Commissioner to carry out the measurements would be completed within

another three weeks from now, if not already completed. Since that communication is that of August, 2015, the Malabar Devaswom Board is directed to place its further action taken report in this regard. Respondents 4 and 5 are directed to ensure that the directions of the Commissioner, Malabar Devaswom are complied with and reported back to the office immediately. Any construction activity will be subject to further orders of this Court.

5. Pursuant to the direction contained in the order dated 21.10.2015, a report dated 24.11.2015 of the 4th respondent Executive Officer is placed on record, which reads thus;

1. I am the 4th respondent in the above writ petition (Civil). This Hon'ble Court vide order dated 21.10.2015 directed the 4th and 5th respondents to ensure that the directions of the Commissioner, Malabar Devaswom Board in the communication dated 26.08.2015 to be complied with and reported back to the office immediately. In fact, I received a communication from the Assistant Commissioner, Malabar Devaswom dated 24.08.2015 and a true copy of the communication is produced herewith and marked as Exhibit- R4(a).

2. Immediately on receipt of Ext.R4(a), I had submitted a

detailed reply highlighting the entire facts and pointed out that immediately on assuming charge of the Devaswom I had conducted detailed enquiry and started initiation of steps. True copy of the reply submitted by me and dated 01.09.2015 is produced herewith and marked as Exhibit-R4(b).

3. For the purpose of initiating action for recovery of properties

of the Devaswom I had approached the Revenue authorities. True copy of the letter issued to the Village Officer, Kadampazhipuram-I Village seeking issuance of copies of BTR, re-survey sketch, settlement register, etc., and dated 03.08.2015 is produced herewith and marked as Exhibit-

R4(c). True copy of the basic tax register and the relevant page of the Filed Measurement Book issued to me are produced herewith and marked as Exhibits-R4(d) and (e). Copy of settlement register is not given to me. Devaswom is also maintaining a register concerning details of properties owned by the Devaswom. The property in dispute is included in the register.

4. This respondent has filed an application before the Taluk

Surveyor for measuring and identifying the properties of the Devaswom. True copy of the application dated 14.09.2015 and the form submitted along with the same is produced herewith and marked as Exhibit-R4(f).

5. This respondent has approached the Surveyor for

immediate action. This respondent will be appraising the Surveyor of the urgency of the situation and directions of this Hon'ble Court for the purpose of speedy action. This report is filed in compliance with the orders of this Hon'ble Court dated 21.10.2015.

6. A counter affidavit dated 12.12.2015 has been filed by

the 6th respondent, opposing the reliefs sought for in this writ petition, producing therewith Exts.R6(1) to R6(8)(c) documents. The petitioner has filed a reply affidavit dated 09.01.2016 producing therewith Ext.P4 FIR dated 02.09.2015 in Crime No.656/2015 of Sreekrishnapuram Police Station. The 6th respondent has filed I.A.No.12319 of 2018 producing therewith Ext.R6(9) purchase certificate dated 14.06.2017 of the Land Tribunal, Palakkad. The 6th respondent has also filed an additional counter affidavit dated 18.10.2022, producing therewith Exts.R6(9) to R6(25) documents. Since the purchase certificate produced along with I.A.No.12319 of 2018 has already been marked as Ext.R6(9), the description of the document produced as Ext.R6(9) along with the additional counter affidavit is suo motu corrected as Ext.R6(9)(A). Registry to make necessary corrections.

7. On 06.01.2023, when this writ petition came up for

consideration, the learned Senior Government Pleader sought time to get instructions from the additional 7th respondent Taluk Surveyor as to whether survey of the Devaswom land and also the land in possession of the 6 th respondent has already been undertaken.

8. Heard the learned counsel for the petitioner, the

learned Standing Counsel for Malabar Devaswom Board for respondents 1 to 4, the learned counsel for the 6th respondent and also the learned Senior Government Pleader for the additional 7 th respondent.

9. 'Deva' means God and 'swom' means ownership in

Sanskrit and the term 'Devaswom' denotes the property of God in common parlance. [see: Prayar Gopalakrishnan and another v. State of Kerala and others - 2018 (1) KHC 536].

10. In A.A. Gopalakrishnan v. Cochin Devaswom

Board [(2007) 7 SCC 482] a Three-Judge Bench of the Apex Court held that the properties of deities, temples and Devaswom Boards are required to be protected and safeguarded by their trustees/ archakas/shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of fences eating the crops should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

11. In A.A. Gopalakrishnan, on the facts of the case on

hand, the Apex Court noticed that, when Respondents 3 to 5 claimed ownership of Survey No.1043, which was the front portion of the temple premises in the

possession of the temple (in the proposal for settlement dated 06.07.2000), the Devaswom Board, instead of investigating and verifying as to how they could claim ownership over temple property, strangely agreed for a settlement under which the temple was to get Sy.No.1043 (which was a temple land already in its possession), in exchange for giving away another temple land (Sy.No.1042/2) to Respondents 3 to 5. The Board Resolution dated 29.08.2000 agreeing for the settlement proposal clearly records that Sy.No.1043 is already in the possession of the temple. Before the Apex Court, respondents 3 and 4 contended that the settlement in the suit (O.S.No.399 of 1998) was validly arrived at between them (the plaintiffs) and the Devaswom Board (the defendant), that the Devaswom Board had considered the proposal after taking legal advice and had duly passed a resolution to settle the suit. It was further contended that a decree having been made in terms of the compromise and such decree having attained finality, it cannot be questioned, interfered or set aside at the instance of a third party in a writ proceeding. They relied on the provisions of Order XXIII, Rule 3A of the Code of Civil Procedure, 1908, which provides that no suit shall lie to set aside a decree on the ground that the compromise

on which the decree is based was not lawful. The Apex Court held

that, the bar contained in Order XXIII, Rule 3A will not come in the way of the High Court examining the validity of a compromise decree, when allegations of fraud/collusion are made against a statutory authority which entered into such compromise. While it is true that decrees of civil courts which have attained finality should not be interfered with lightly, challenge to such compromise decrees by an aggrieved devotee, who was not a party to the suit, cannot be rejected, where fraud/collusion on the part of officers of a statutory board is made out. Further, when the High Court by the order dated 09.09.1998 had directed the Board to take possession of Sy.No.1042/2 immediately from Respondents 3 and 4 in CDB No.3 of 1996, in a complaint by another devotee, it was improper for the Board to enter into a settlement with Respondents 2 and 3, giving up the right, title and interest in Sy.No.1042/2, without the permission of the court which passed such order. The Apex Court concluded that, viewed from any angle, the compromise decree

cannot be sustained and is liable to be set aside.

12. In Travancore Devaswom Board v. Mohanan Nair

[2013 (3) KLT 132] a Division Bench of this Court noticed that in A.A. Gopalakrishnan [(2007) 7 SCC 482] the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The relevant principles under the Hindu law will show that the Deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court therefore is the guardian of the Deity and apart from the jurisdiction under Section 103 of the Land Reforms Act, 1957 viz. the powers of revision, the High Court is having inherent jurisdiction and the doctrine of parents patriae will also apply in exercising the jurisdiction. Therefore, when a complaint has been raised by the Temple Advisory Committee, which was formed by the devotees of the Temple, about the loss of properties of the Temple itself, the truth of the same can be gone into by the High Court in these proceedings.

13. In Mohanan Nair the Division Bench relied on the decision in Achuthan Pillai v. State of Kerala [1970 KLT 838], wherein a Full Bench of this Court considered the validity of an

order passed by the Government under Section 99 of the Madras

Hindu Religious and Charitable Endowments Act, 1951. By the said

order the Government cancelled the sanction given for transfer of

immovable property of a Devaswom. The initial order, i.e., Ext.P1

order was passed by the Commissioner for sanction to lease 600

acres of forest land belonging to Emoor Bhagavathy Devaswom. The said order was passed in the year 1960 and the Government cancelled the same by Ext.P5 order dated 23.02.1967. The Full Bench traced the principles regarding the rights of an authority to protect the institution like Devaswom in order to prevent fraud.

The Full Bench held that the power to cancel a sanction and thereby to make null and void an improvident transfer or alienation of immovable property of a Devaswom, though exercised under the guise of revision, is visitorial in character. It is a matter of common knowledge that even from very early times religious and charitable institutions in India came under the special protection of the ruling authority. The rulers of the country always asserted their right to visit these institutions in order to prevent fraud and redress the abuses in their management. In the celebrated Rameswar Pagoda case [(1874) 1 Ind App 209] it was pointed out by the Judicial Committee that the former rulers of this country always asserted the right to visit endowments of this kind to prevent and redress the abuses in their management. The authorities, therefore, support the conclusion that supervision and control of Hindu Religious and Charitable Institutions is a function of government and that Government at all times asserted and exercised the power. The fact that Government did not exercise the power immediately when it became aware of the circumstances vitiating Ext.P1 order cannot prejudice the interest of the Devaswom. If the contention of the petitioner were to prevail, it would mean that because the Government was not very vigilant in exercising the power the interest of the Devaswom should suffer. Section 10 of the Limitation Act, 1963, provides no period of limitation for a suit against a person in whom the trust property has become vested for any specific purpose or against his legal representatives or assigns for the purpose of following in his or their hands such property. The reason behind the section is that an express trust ought not suffer by the misfeasance or non- feasance of a trustee.

14. In *Mrinalini Padhi v. Union of India* [2018 SCC

OnLine SC 667] - order dated 05.07.2018 in W.P.(C)No.649 of 2018 - the Apex Court noticed that the issue of difficulties faced by the visitors, exploitative practices, deficiencies in the management, maintenance of hygiene, proper utilisation of offerings and protection of assets may require consideration with regard to all Shrines throughout the India, irrespective of religion practiced in such shrines. It cannot be disputed that this aspect is covered by List III Item 28 of the Seventh Schedule to the Constitution of India and there is need to look into this aspect by the Central Government, apart from State Governments. Section 92 of

the Code of Civil Procedure, 1908 permits a court also to issue direction for making a scheme or making an arrangement for any charitable or religious institution. Accordingly, the Apex Court directed that, if any devotee moves the jurisdictional District Judge throughout the India with any grievance on the above aspect, the District Judge may either himself/herself or by assigning the issue/matter to any other court under his/her jurisdiction examine above aspects and if necessary send a report to the High Court. The High Court will consider these aspects in public interest, in accordance with law, and issue such judicial directions as becomes necessary having regard to individual fact situation.

15. In Nandakumar v. District Collector and others

[2018 (2) KHC 58] a Division Bench of this Court noticed that the legal position has been made clear by the Apex Court as to the role to be played by the High Court in exercising the *parens patriae* jurisdiction in *Gopalakrishnan v. Cochin Devaswom Board* [(2007) 7 SCC 482]. The said decision was referred to and relied on by a Division Bench of this Court in *Travancore Devaswom Board v. Mohanan Nair* [2013 (3) KLT 132]. In the said circumstances, the properties of the Devaswom, if at all encroached by anybody and if any assignment/conveyance has been effected without involvement of the Devaswom, securing pattayam or such other deeds, the same cannot confer any right upon the parties concerned, unless the title so derived is clear in all respects. There cannot be any dispute that the remedy to retrieve such property belonging to the Devaswom is by resorting to the course stipulated in the Kerala Land Conservancy Act, 1957.

16. In A.A. Gopalakrishnan v. Secretary, Cochin

Devaswom Board [2018 (3) KHC 549] a Division Bench of this Court found that the task undertaken by the complainant to ensure that the property of the Devaswom is protected and preserved has ultimately brought out the plain truth that the said property was sought to be appropriated by strangers and that the property in Sy.No.1042/2 has been successfully retrieved by the Devaswom, based on the intervention made by this Court and also by the Apex Court [*A.A. Gopalakrishnan - (2007) 7 SCC 482*]. Proceedings have to be taken to a logical conclusion in respect of the land in Sy.No. 1043 as well. This is more so since in view of the

parens patriae jurisdiction being entrusted with the Court in this regard and there is a duty cast upon the Court to take every step to ensure that the property of the deity is protected.

17. The issuance of purchase certificate under the

provisions of the Kerala Land Reforms Act, 1963 in respect of Devaswom lands of temples under the management of the Travancore Devaswom Board and Cochin Devaswom Board and the temples which are controlled institutions under the Malabar Devaswom Board is the subject matter in W.P.(C)No.8851 of 2020, in which this Court passed an order dated 15.12.2021, restraining all Land Tribunals in the State from proceeding with any Original Application filed before the appointed date or S.M. Proceedings for purchase certificate of Devaswom lands of temples under the control/management of Malabar Devaswom Board, Travancore Devaswom Board and also Cochin Devaswom Board, without the respective Devaswom Board represented by its Secretary in the party array. In continuation of the said order dated 15.12.2021, this Court passed an order dated 13.04.2023. Paragraphs 54 to 58 of the said order read thus;

54. In continuation of the said order dated 15.12.2021, it is hereby ordered that, in the orders passed by the Land Tribunals in the State in Original Applications/S.M.Proceedings for purchase certificate, the Land Tribunal has to record its finding that the applicant is a cultivating tenant, as defined under clause (8) of Section 2 of the Act, who is entitled to fixity of tenure under Section 13 of the Act, in respect of his holding; that the tenancy is not in respect of land falling under clauses (i) to (xii) of Section 3 of the Act, which deals with exemptions; and that the tenancy is not one created in contravention of the provisions of sub-section (1) of Section 74 of the Act, i.e., it is not a tenancy created after the commencement of the Act. In respect of temples which are controlled institutions under Malabar Devaswom Board, the Land Tribunals shall take note of the provisions under Section 29 of the Madras Hindu Religious and Charitable Endowments Act, 1951, as per which any exchange, sale or mortgage and any lease of

any immovable property belonging to, or given or endowed for the purpose of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution.

55. The Additional Chief Secretary, Revenue Department is directed to take necessary steps to communicate a copy of this order to all Land Tribunals in the State, for information and strict compliance.

56. The Travancore Devaswom Board and the Cochin

Devaswom Board, which are entrusted with the duty of managing the properties of Devaswoms under its management are duty bound to protect those properties of the deity, who is perpetual minor, from any wrongful claims, theft or misappropriation. The position of the Travancore Devaswom Board and that of the Cochin Devaswom Board in this regard is analogous to that of trustees. Any such wrongful claim, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of fence eating the crops should be dealt with sternly. Since deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply to the exercise of such jurisdiction. See: *Suo motu v. State of Kerala* [2022 2 KLT 483]. The principle laid down in the said decision is applicable with equal force in the case of controlled institutions under the Malabar Devaswom Board. The Ooralans, hereditary trustees or trustee board of such temples are also duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. In view of the

provisions under Section 29 of the Madras Hindu Religious and Charitable Endowments Act, any exchange, sale or mortgage and any lease of any immovable property belonging to, or given or endowed for the purpose of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the

institution. The position of Ooralans, hereditary trustees or trustee board of such temples is also analogous to that of trustees. Any failure on their part to protect the properties of the deity, by properly defending wrongful claims in respect of such properties before the Land Tribunal would amount to breach of trust, for which they will have to face the consequences.

57. List this matter for further consideration on 29.05.2023.

58. The learned Special Government Pleader shall place

on record the individual reports from all Land Tribunals in the State, furnishing the details of the purchase certificates in respect of Devaswom lands granted after the order of this Court dated 15.12.2021, with specific reference to the respective Devaswoms, i.e., Travancore Devaswom Board, Cochin Devaswom Board, Malabar Devaswom Board, etc., which shall be placed on record before the next posting date.

18. During the course of arguments, the submission made

by the learned Senior Government Pleader is that some more time is required to the additional 7th respondent Taluk Surveyor, Ottapalam to conduct survey of the Devaswom land of Mele Thrikovil Sreeramaswamy Temple and Sree Vayilyam Kunnu Bhagavathy Temple and also the land in possession of the 6th respondent.

19. During the course of arguments, the learned counsel for the 6th respondent would point out Ext.R6(9)(A) purchase certificate dated 14.06.2017 issued by the Land Tribunal, Palakkad.

20. We do not propose to consider the rival contentions

raised at the Bar in this proceedings, since the survey of the Devaswom land by the additional 7th respondent Taluk Surveyor is yet to take place. We notice that Ext.R6(9)(A) purchase certificate dated is one obtained by the 6th respondent during the pendency of this writ petition, which is dated 14.06.2017. In such circumstances, leaving open the legal and factual contentions raised by both

sides, this writ petition is disposed of by directing the additional 7th respondent Taluk Surveyor, Ottapalam to conduct survey to demarcate the boundaries of the Devaswom land of Mele Thrikovil Sreeramaswamy Temple and Sree Vayilyam Kunnu Bhagavathy Temple, in order to find out whether the 6th respondent or any other person has encroached upon the Devaswom land. The entire exercise in this regard shall be completed by the additional 7th respondent Taluk Surveyor, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner, respondents 4 to 6 and any other affected parties. In case, there is unauthorised parking of vehicles in the Devaswom land or unauthorised activities taking place in the said land, it is for 4th respondent Executive Officer to take necessary steps to protect Devaswom land from any such encroachment or unauthorised activities, taking note of the law laid down in the decisions referred to supra, if found necessary by seeking police assistance. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE yd APPENDIX PETITIONER EXHIBITS EXHIBIT-P1 TRUE COPY OF THE INFORMATION OBTAINED UNDER THE RIGHT TO INFORMATION ACT DTD EXHIBIT-P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER AND OTHERS BEFORE THE 1ST RESPONDENT DTD 29/5/2015 EXHIBIT-P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY A DEVOTEE BEFORE THE 3RD RESPONDENT DTD 12/12/2014 EXHIBIT-P4 TRUE COPY OF THE FIRST INFORMATION REPORT DATED 02.09.2015. 4TH RESPONDENT EXHIBITS EXHIBIT-R4(A) TRUE COPY OF LETTER DATED 24.08.2015 ISSUED BY THE ASSISTANT COMMISSIONER, MALABR DEVASWOM BAORD TO THE 4TH RESPONDENT. EXHIBIT-R4(B) TRUE COPY OF REPLY DATED 01.09.2015 SUBMITTED BY THE 4TH RESPONDENT TO THE ASSISTANT COMMISSIONER, MALABR DEVASWOM BOARD. EXHIBIT-R4(C) TRUE COPY OF LETTER DATED 03.08.2015 FROM THE 4TH RESPONDENT TO THE VILLAGE OFFICER, KADAMPAZHIPURAM I VILLAGE. EXHIBIT-R4(D) TRUE COPY OF BASIC TAX REGISTER ISSUED BY VILLAGE OFFICER, KADAMPAZHIPURAM I VILLAGE. EXHIBIT-R4(E) TRUE COPY OF FIELD MEASUREMENT REGISTER ISSUED BY THE VILLAGE OFFICER, KADAMPAZHIPURAM I VILLAGE. EXHIBIT-R4(F) TRUE COPY OF LETTER

DATED 14.09.2015 FROM THE 4TH RESPONDENT TO THE TALUK SURVEYOR, OTTAPALAM. 6TH RESPONDENT EXHIBITS

EXHIBIT R6(1) TRUE COPY OF THE FIRE EXHIBIT R6(1)(A) TRUE CO

EXHIBIT R6(2) TRUE COPY OF THE BUILDING PERMIT. EXHIBIT

NO.1672/1946. EXHIBIT R6(7)(A) TRUE COPY OF THE PARTITION DEED NO.2185/2009.

EXHIBIT R6(8) TRUE COPY OF THE PHOTOGRAPH EXHIBIT R6(

THE LAND TRIBUNAL, PALAKKAD ALONG WITH THE SCHEDULE OF THE ASSIGNED LAND. Exhibit R6(9)(A) TRUE COPY OF THE BASIC TAX REGISTER (FORM F) SHOWING THE PROPERTY OF SMT.VIJAYALAKSHMI (PREDECESSOR- IN - INTEREST OF R6) IN BLOCK NO: 77 IN RE.SY NO.258/15 (OLD SY NO.115/3 PART) HAVING T.P.NO.3999, OBTAINED FROM VILLAGE OFFICE, KADAMBAZIPURAM-1 ON APPLICATION.

Exhibit R6(10) TRUE COPY OF THE RELEVANT PAGE OF FMB (FIELD MEASUREMENT BOOK) SHOWING FIELD NO:115 OBTAINED FROM THE VILLAGE OFFICE, KADAMBAZIPURAM -1 ON APPLICATION. Exhibit R6(11) TRUE COPY OF THE RELEVANT PAGE OF FMB (FIELD MEASUREMENT BOOK) SHOWING FIELD NO: 258 OBTAINED FROM THE VILLAGE OFFICE, KADAMBAZIPURAM-1, ON APPLICATION. Exhibit R6(12) TRUE COPY OF THE RELEVANT PAGE OF FMB

(FIELD MEASUREMENT BOOK) SHOWING NEW SUB DIVISIONS SY. NOS.258/1, 14, 7, 15 OBTAINED FROM THE VILLAGE OFFICE, KADAMBAZIPURAM-1, ON APPLICATION.

Exhibit R6(13) TRUE COPY OF THE NOTICE DATED 25.08.2016 ISSUED BY THE DEPUTY COLLECTOR (LR) TO EXECUTIVE OFFICER, VAYILLIAMKUNNUM DEVASOM. Exhibit R6(14) TRUE COPY OF THE PATTI NO.34/2016 DATED 18.11.2016 ISSUED TO R6 BY THE LAND TRIBUNAL, PALAKKAD. Exhibit R6(15) TRUE COPY OF THE LAND TAX RECEIPT DATED 19.04.2021 FOR THE PERIOD 2021-22 ISSUED BY THE KADAMBAZIPURAM -1

VILLAGE OFFICE. Exhibit R6(16) TRUE COPY OF THE BUILDING TAX FOR BUILDING BEARING NO. 12/583 OF KADAMPAZHIPURAM GRAMA PANCHAYAT DATED 01.12.2021. Exhibit R6(17) TRUE COPY OF THE PROFESSION TAX

INSTITUTIONS IN RESPECT OF R6'S AUDITORIUM PAID TO THE KADAMPAZHIPURAM GRAMA PANCHAYAT FOR THE PERIOD 2021-22 DATED 01.12.2021. Exhibit R6(18) TRUE COPY OF THE LICENSE ISSUED BY THE KADAMPAZHIPURAM GRAMA PANCHAYAT FOR THE PERIOD 01.04.2022 TO 31.03.2023 DATED 06.05.2022. Exhibit R6(19) TRUE COPY OF THE NO OBJECTION CERTIFICATE (RENEWAL) ISSUED BY THE STATION OFFICER, FIRE & RESCUE STATION, KONGAD DATED 02.11.2021. Exhibit R6(20) TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE - RENEWAL ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 15.11.2018 VALID UP TO NOVEMEBER 2023. Exhibit R6(21) TRUE COPY OF A PHOTO OF THE SUBJECT AREA. Exhibit R6(22) TRUE COPY OF A PHOTO OF THE SUBJECT AREA. Exhibit R6(23) TRUE COPY OF A PHOTO OF THE SUBJECT AREA. Exhibit R6(24) TRUE COPY OF A PHOTO OF THE SUBJECT AREA. Exhibit R6(25) TRUE COPY OF A PHOTO OF THE SUBJECT AREA.

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